

# Senate File 2011 - Introduced

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## A BILL FOR

1 An Act relating to applications to construct confinement  
2 feeding operation structures, including by requiring  
3 a notice be delivered to certain persons regarding the  
4 construction, and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 459.303, subsection 3, Code 2018, is  
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. *e.* A brief summary of the application  
4 completed on a form prepared by the department in consultation  
5 with the Iowa state association of counties. The completed  
6 form shall at least include all of the following:

7 (1) The name and mailing address of the applicant.

8 (2) The type of animal to be maintained at the confinement  
9 feeding operation classified by animal unit, if all proposed  
10 confinement feeding operation structures were constructed.

11 (3) The maximum number of animals and the maximum number  
12 of animal units to be maintained at the confinement feeding  
13 operation, if all proposed confinement feeding operation  
14 structures were constructed.

15 (4) A brief description of the location, type, and size of  
16 each confinement feeding operation structure proposed to be  
17 constructed.

18 NEW PARAGRAPH. *f.* A list containing the name and last known  
19 mailing address of each person holding legal title to land  
20 located within two miles of the confinement feeding operation  
21 structure proposed to be constructed. The names and mailing  
22 addresses may be the same as those shown in the records of  
23 the county auditor of the county located within two miles of  
24 the confinement feeding operation structure proposed to be  
25 constructed.

26 Sec. 2. Section 459.304, subsection 1, Code 2018, is amended  
27 by adding the following new paragraph:

28 NEW PARAGRAPH. *c.* The county board of supervisors shall  
29 send the brief summary of the application as described in  
30 section 459.303 to each person holding legal title to land  
31 located within two miles of the confinement feeding operation  
32 structure proposed to be constructed as provided in the  
33 application. The county board of supervisors may include with  
34 the summary the time and place of a public hearing regarding  
35 the application as provided in this section.

1     Sec. 3. Section 459.304, subsection 2, paragraph a,  
2 subparagraph (2), Code 2018, is amended by striking the  
3 subparagraph and inserting in lieu thereof the following:

4     (2) The notice shall include all of the following:

5     (a) The information contained in the brief summary of the  
6 application as described in section 459.303.

7     (b) The time when and the place where the application may be  
8 examined as provided in section 22.2.

9     (c) The time and place of the public hearing, if any.

10    (d) Procedures for providing public comments to the board as  
11 provided by the board.

12    Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate  
13 importance, takes effect upon enactment.

14                                   EXPLANATION

15                   The inclusion of this explanation does not constitute agreement with  
16                   the explanation's substance by the members of the general assembly.

17    BILL'S SUBSTANTIVE PROVISIONS. This bill amends Code  
18 chapter 459, the "Animal Agriculture Compliance Act" (Code  
19 chapter 459) by requiring that a county board of supervisors  
20 (board) send a notice to certain landowners that a permit  
21 application has been filed with the department of natural  
22 resources (DNR) proposing to construct a confinement feeding  
23 operation structure (structure) which is part of a proposed or  
24 existing confinement feeding operation sometimes referred to  
25 as a concentrated animal feeding operation (CAFO). The notice  
26 must be sent by certified or ordinary mail to each neighbor  
27 holding legal title to land located within two miles from the  
28 location of the proposed construction site. An application  
29 must include a brief summary of information regarding the  
30 proposal, which must at least state: (1) the identity of the  
31 applicant, (2) the type and numbers of animals to be confined  
32 at the CAFO if each proposed structure were constructed, and  
33 (3) the location, type, and size of each structure proposed to  
34 be constructed. The notice must include the summary and may  
35 also state time and place of a public hearing regarding the

1 application conducted by the board. The bill provides that the  
2 same information must be included in the notice of a public  
3 hearing.

4 BACKGROUND — DNR PERMIT REQUIREMENTS. DNR is required to  
5 approve or disapprove a permit to construct (including expand)  
6 structures (Code section 459.303). DNR must disapprove an  
7 application that does not satisfy the requirements of the Code  
8 chapter. A permit is required if after constructing all such  
9 structures, a CAFO would have an animal unit capacity of at  
10 least 1,000 animal units (AUs) or the proposed structure is an  
11 unformed manure storage structure. A special exemption applies  
12 to a CAFO owned by a research college (Code section 459.303).  
13 As part of the process, the permit application must be filed  
14 with DNR and the board in the county where the construction  
15 is to occur. The board may hold a public hearing to receive  
16 public comments regarding the application and forward its  
17 comments and public comments to DNR prior to the agency's  
18 decision to approve or disapprove the application. The board  
19 is required to publish a notice of a scheduled public hearing  
20 in a newspaper having a general circulation in the county. The  
21 notice must provide relevant information about the applicant,  
22 the proposed construction, and the time and place of the public  
23 hearing.

24 BACKGROUND — TERMS. Code chapter 459 includes a number  
25 of defined terms (Code section 459.102). An animal feeding  
26 operation refers to any area in which animals are confined and  
27 fed and maintained for 45 days or more in any 12-month period.  
28 A CAFO is a type of animal feeding operation that includes a  
29 totally roofed building where confined animals are maintained  
30 (as compared to an open feedlot). Confined animals are limited  
31 to cattle, swine, horses, sheep, chickens, turkeys, or fish.  
32 A CAFO's structure includes a building, egg washwater storage  
33 structure, or one of two types of manure storage structures,  
34 formed or unformed. A formed structure has walls and a  
35 floor all constructed of durable materials such as concrete

1 (as compared to an unformed structure such as an earthen  
2 impoundment). A CAFO's size is determined by calculating its  
3 AU capacity. A special equivalency factor is assigned for  
4 each classification of confined animal. For example, each  
5 butcher or breeding swine weighing more than 55 pounds has an  
6 equivalency factor of 0.4 AUs (Code section 459.102). The  
7 permit requirement threshold of 1,000 AUs means that a permit  
8 would be required if after construction the CAFO would have an  
9 AU capacity of 2,500 of such swine ( $1,000 \div 0.4 = 2,500$ ).  
10 BILL'S EFFECTIVE DATE. The bill takes effect upon  
11 enactment.